

REMARKS

The Examiner indicated the following rejections in the Office Action mailed on September 23, 2008 for the currently pending application.

The Double Patenting Rejections

The Examiner alleges that claims 1, 10-14, 31-35, 40-44 and 46-51 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-43 of copending Application No. 11,006,356. The Examiner further alleges that the conflicting claims are not identical, but they are not patentably distinct from each other because the limitations of claims 1, 10-14, 31-35, 40-44 and 46-51 are defined in claims 1-42 of copending Application No. 11,006,356.

The Examiner has correctly treated these claims under the provisional rejections. Since claims 1-42 of co-pending Application No. 11,006,356 are not yet allowed, the Applicant respectfully requests the Examiner to revisit these issues when the claims of this application and co-pending Application No. 11,006,356 are finalized. At that time, if it is necessary, the Applicant will file a terminal disclaimer in due course.

The Section 112 Rejections

The Examiner alleges that claim 19, 23 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has pointed out that the claim term, "said communication devices" in these claims lack proper antecedent basis. Accordingly, the Applicant has amended claims 19, 23 and 27 to explicitly recite proper antecedent basis for the claim term in

questions.

The Applicant respectfully submits that the amended claims now particularly point out and distinctly claim the subject matter which applicant regards as the invention. Thus, the Applicant respectfully submits to the Examiner that the pending rejections of claims 19, 23 and 27 under 35 U.S.C §112, Second Paragraph should be withdrawn.

The Section 101 Rejections

The Examiner alleges that claims 31 through 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Accordingly, claims 31 through 39 have been amended to explicitly recite statutory subject matter of "storage medium for storing computer executable instructions for performing certain functions for ultimately writing a digital certificate in a memory unit." Thus, the Applicant respectfully submits to the Examiner that the pending rejections of claims 31 through 39 under 35 U.S.C §101 should be withdrawn.

The Section 102 Rejections

The Examiner alleges that claims 10-12, 14, 19, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Vilhuber et al. US 7,386,721 (hereinafter Vilhuber). The Examiner alleges that Vilhuber discloses every subject matter limitation of independent claims 10, 11 and 19. Although the Applicant does not agree with the Examiner's characterization of the Vilhuber reference, the Applicant has amended the above independent claims now allegedly under the section 102 rejections.

Newly amended independent claims 10, 11 and 19 each explicitly recite "a scanning unit for scanning identification information from a communication device."

Furthermore, newly amended independent claims 10 and 11 also explicitly recite “a digital certificate processing unit ... for receiving a corresponding one of the digital certificates from the digital certificate management device in response to the identification-information-added digital certificate transmission request. Similarly, newly amended independent claims 19 also explicitly recites “said digital certificate transmission unit receiving the corresponding one of the digital certificates from said second digital certificate transmission unit in response to the identification-information-added digital certificate transmission request.” In other words, the newly amended independent claims each require a unique “digital certificate” for the communication device “in response to the identification-information-added digital certificate transmission request.”

Furthermore, newly amended independent claims 10, 11 and 19 each explicitly recite “production numbers” as a part of the “identification information” for the “communication device.”

The Vilhuber reference fails to disclose the above discussed patentable features of the independent claims. In general, the Vilhuber reference discloses a digital certificate that is associated with certain information such as a predetermined public key. Although the Vilhuber reference discloses an internal certificate authority (CA) in a preferred embodiment, the certificates must be ultimately registered and certified at an external certificate authority via secure communication.

Although the Examiner has not cited the disclosure at lines 22 through 27 in column 7 of the Vilhuber reference, the Applicant has considered the disclosure in view of the above discussed patentable features of the above independent claims. Even though the Vilhuber reference discloses a digital certificate that may be associated with a predetermined public key, the Vilhuber reference still fails to

disclose the unique "digital certificate" for the communication device "in response to the identification-information-added digital certificate transmission request" as required by newly amended independent claims 10, 11 and 19. The "identification information" as recited in newly amended independent claims 10, 11 and 19 includes both the information scanned from the communication device and the "production number."

In sharp contrast, the Vilhuber reference fails to anticipate the above discussed patentable features of the scanned "identification information" and the "production numbers" as explicitly recited in newly amended independent claims 10, 11 and 19.

Dependent claims 12, 14, 20 and 22 ultimately depend from newly amended independent claim 11 or 19 and incorporate the above discussed patentable features of the current invention. Therefore, the Applicant respectfully submits to the Examiner that the pending rejections of claims 10-12, 14, 19, 20 and 22 under 35 U.S.C. 102(e) should be withdrawn.

The Section 103 Rejections

The Examiner alleges that claims 13 and 21 are rejected under 35 USC 103(a) as being unpatentable over Vilhuber. The Examiner also alleges that claims 1-5, 23-26, 31-35, 40-44 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber in view of Ramasubramani et al. US 6,233,577 (hereinafter Ramasubramani). Furthermore, the Examiner alleges that claims 6-9, 27-30, 36-39, 45 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber in view of Ramasubramani, and further in view of Amro et al. US 7,159,018 (hereinafter Amro). Lastly, the Examiner alleges that claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber in view of Amro.

Among the above rejected claims, claims 1, 2, 6, 15, 23, 27, 31, 32, 36, 40 and 47 are independent while the rest is dependent claims that depend from one of the independent claims. For rejecting each of the independent claims, the Examiner has cited the Vilhuber reference.

Independent claims 1, 2, 6, 31, 32 and 36 have been amended to explicitly recite "scanning identification information from a communication device." Similarly, newly amended independent claim 15 explicitly recites "a scanning unit for scanning identification information from a communication device." By the same token, independent claims 23 and 27 respectively recite substantially similar subject matter limitations of "an input unit for inputting identification information for said communication device" and "a scanning unit for scanning a barcode from said communication devices as identification information for said communication device."

Furthermore, newly amended independent claims 1, 2, 6, 31, 32 and 36 each explicitly recite "production numbers" as a part of the "identification information" for the "communication device."

As discussed above for overcoming the section 102 rejections, even though the Vilhuber reference discloses a digital certificate that may be associated with a predetermined public key, the Vilhuber reference still fails to disclose the unique "digital certificate" for the communication device "in response to the identification-information-added digital certificate transmission request" as required by independent claims 1, 2, 6, 15, 23, 27, 31, 32 and 36. Furthermore, newly amended independent claims 1, 2, 6, 31, 32 and 36 each explicitly recite "production numbers" as a part of the "identification information" for the "communication device."

In this regard, the Vilhuber reference also fails to suggest the same patentable features even if it is combined with other cited references. In fact, the Examiner has

cited other references for subject matter limitations other the above patentable features. Furthermore, the Vilhuber reference teaches away from the patentable features since it emphasizes the importance of a self-contained system without preferably communicating with an external certificate authority. Thus, none of the above patentable feature is taught, disclosed or suggested by the cited references alone or in combination. Thus, it would not have been obvious to one of ordinary skill in the art to provide the patentable features based upon the disclosures of he cited references.

Dependent claims ultimately depend from independent claim 1, 2, 6, 15, 23, 27, 31, 32 or 36 and incorporate the above discussed patentable features of the current invention. Claims 40 through 52 have been cancelled.

Therefore, the applicant respectfully submits to the Examiner that the pending rejections of claims under 35 U.S.C §103 should be withdrawn.

CONCLUSION

In view of the above amendments and the foregoing remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance and respectfully request a favorable Office Action so indicating.

Respectfully submitted,

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